

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1361968-0

Total Deleted Page(s) = 1  
Page 3 ~ Duplicate;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

LILLA BURT CUMMINGS TOWER  
20 Kalorama Circle, N.W.  
Washington, D.C. 20008

Plaintiff,

v.

JOHN GOODWIN TOWER  
3525 Turtle Creek, #21B  
Dallas, Texas 75219

Defendant.

FILED

JAN 07 1988

Superior Court  
of the District of Columbia  
Washington, D.C.

Civil Action No. D1403-86

ENTERED ON DOCKET

JAN 07 1988

QUALIFYING DOMESTIC RELATIONS ORDER

The parties having entered into a Separation and Property Settlement Agreement, which among other things makes provision for the Plaintiff to receive a share of Defendant's benefits, including survivor's benefits, under the Federal Civil Service Retirement and Disability Law and benefits under the Federal Employee's Health Benefits Act, and whereas the parties desire that the provisions of their Agreement relating to retirement and health benefits and survivorship benefits constitute a Qualifying Domestic Relations Order,

It is, this 6<sup>th</sup> day of January, 1988,

ORDERED, that the Office of Personnel Management shall pay directly to the Plaintiff each and every month from the Defendant's Federal Civil Service Retirement in accordance with Paragraph 3 of the Agreement, the full sum of \$2,000 net per month until the first of the following events occurs: (a) death

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 302  
331-8000

of the Defendant (b) death of the Plaintiff or (c) the remarriage of the Plaintiff, and it is further

ORDERED, that the Defendant in accordance with Paragraph 4 of the Agreement (1) maintain the Plaintiff during her lifetime as the sole eligible survivor to receive full, sole and undiminished survivor benefits if she survives the Defendant, and (2) make only those elections and exercise only those options which will continue the sole maximum survivor benefits for the Plaintiff after their divorce; and it is further

ORDERED, that the Office of Personnel Management shall pay to the Plaintiff following the death of the Defendant, if she survives him, the maximum sole survivor annuity benefits permitted under the Federal Civil Service Retirement and Disability Law, and it is further

ORDERED, that Defendant elect with the Office of Personnel Management and accept the full reduction in his monthly annuity share remaining after the deduction of the \$2,000 net each and every month paid to the Plaintiff to provide Plaintiff the full, sole and undiminished survivor benefits permissible under the Law, and it is further

ORDERED, that the Office of Personnel Management permit Plaintiff to enroll in an approved health benefits plan under the Federal Employee's Health Benefits Act, following the dissolution of the marriage, and select at her discretion the highest options

- 2 -

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D C 20006

AREA CODE 202  
331-8000

and greatest benefits available, and the Defendant in accordance with Paragraph 4 of the Agreement is ordered to pay the full subscription charges for as long as he shall live by increasing the sum of \$2,000 each month by the amount of said subscription charges which sum, in addition to said \$2,000, shall be paid by the Defendant for the Plaintiff directly through a reduction in and a deduction from Defendant's monthly annuity share remaining after the payment of the full sum of \$2,000 net each month to Plaintiff, or directly to the Office of Personnel Management, or if not permitted to do so by law by amendment or otherwise in futuro under the Federal Employee's Health Benefits Act, then and in that event to pay Plaintiff for the full subscription charges promptly as and when incurred for the high option plan or plans providing maximum coverage she selects, and it is further

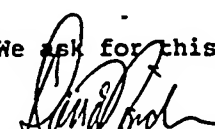
ORDERED, that in the event of Plaintiff's remarriage, Plaintiff's health benefit premiums shall not vacate and shall continue to be withheld from Defendant's Civil Service Retirement Benefits and the previously ordered full sum of \$2,000 net each month shall terminate, and it is further

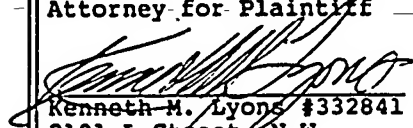
ORDERED, that Defendant shall not act to reduce any of these benefits, Civil Service Retirement Annuity, Health Plan, survivor benefits or to pledge, encumber or hypothecate any of the foregoing benefits or make any elections or exercise any options which will reduce, diminish, or deny these benefits, nor voluntarily withdraw any of his contributions to said retirement,

or accept or receive any involuntary distributions of his contributions to said retirement, without the written consent of the Plaintiff, Lilla Burt Cummings Tower, Social Security Number 579-36-6720; Date of Birth 6 October, 1928.

  
Sylvia Bacon, Associate Judge

We ask for this:

  
David Povich #10181  
839 17th Street, N.W.  
Washington, D.C. 20006  
Attorney for Plaintiff

  
Kenneth M. Lyons #332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
Attorney for Defendant

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

LILLA BURT CUMMINGS TOWER  
20 Kalorama Circle, N.W.  
Washington, D.C. 20008

Plaintiff,

v.

JOHN GOODWIN TOWER  
3525 Turtle Creek, #21B  
Dallas, Texas 75219

Defendant.

Civil Action No. D-03-86

FAMILY DIVISION

SEP 23 12 20 PM '87

CLERK OF  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

MOTION TO PLACE DEPOSITION  
OF JOHN G. TOWER UNDER SEAL

Counsel for the plaintiff and the defendant join in moving that the deposition of John G. Tower dated June 9, 1987 be placed under seal.

Counsel for the respective parties had agreed at the time of said deposition that the court reporter was not to file the deposition with the Court. Nonetheless, the parties received notice dated September 18, 1987 that said deposition had been filed.

The parties move to place said deposition under seal in order to carry out the initial intent of counsel.

POINTS AND AUTHORITIES

D.C. Superior Court Civ. Pro. R. 26(c)(6).

DATED: September 23, 1987  
DICKSTEIN, SHAPIRO & MORIN

Respectfully submitted,  
WILLIAMS & CONNOLLY

Kenneth M. Lyons  
Kenneth M. Lyons  
Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

David Povich  
David Povich  
Bar No. 10181  
839 - 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5000

Attorney for Plaintiff

IRA R. MITZNER  
DIRECT DIAL  
202 828-2234

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N.W.  
WASHINGTON, D.C. 20037  
202 785-9700

TELEX: 892608 DSM WSH



September 23, 1987

Honorable Sylvia Bacon  
Superior Court for the  
District of Columbia  
500 Indiana Avenue, N.W.  
Room 2520  
Washington, D.C. 20001

Re: Tower v. Tower (Civil Action No. D1403-86)

Dear Judge Bacon:

Please find enclosed a joint Motion and Proposed Order, requesting that the Court place the deposition of John Tower under seal as originally agreed to by the parties. This motion is necessitated by the court reporter's inadvertent filing of the transcript.

I am handling this matter while my colleague, Kenneth Lyons, is out of town. This motion is being made in an abundance of caution, recognizing the sensitive nature of Senator Tower's deposition.

Very truly yours,

*Ira R. Mitzner*  
Ira R. Mitzner

cc: David Povich, Esq.  
Enclosure  
IRM:jst

D01403-86

D-

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES  
CERTIFICATE OF DIVORCE,  
DISSOLUTION OF MARRIAGE OR ANNULMENT

108-

FILE NUMBER

TYPE IN  
PERMANENT  
INK

COURT IDENTIFICATION  
(Court file number)

HUSBAND

HUSBAND-NAME		FIRST	MIDDLE	LAST
1.		John	Goodwin	Tower
USUAL RESIDENCE-STREET ADDRESS		CITY, TOWN OR LOCATION		
2a. 3525 Turtle Creek Blvd., Apt. 21B		2b. Dallas		
COUNTY	STATE	DATE OF BIRTH (Mo, Day, Yr.)		
2c.	3. Texas	4. 9/29/25		

WIFE

WIFE-NAME		FIRST	MIDDLE	LAST	MAIDEN NAME
5a.		Lilla	Burt Cummings	Tower	5b. Cummings
USUAL RESIDENCE-STREET ADDRESS		CITY, TOWN OR LOCATION			
6a. 20 Kalorama Circle		6b. Washington			
COUNTY	STATE	DATE OF BIRTH (Mo, Day, Yr.)			
6c.	7. D.C.	8. 10/6/28			

DATE OF THIS MARRIAGE (Mo, Day, Yr.)	CHILDREN UNDER 18 IN THIS FAMILY (Specify)	PLAINTIFF CHECK	HUSBAND	WIFE	BOTH	OTHER (Specify)
9. 5/29/77	10. None	11.		X		
ATTORNEY FOR PLAINTIFF-NAME (Type or print)		ADDRESS OF ATTORNEY-STREET OR R.F.D. NO. CITY OR TOWN STATE ZIP				
12. David Povich		13. 839 17th Street, N.W., Washington, D.C. 20006				

DECREE

THIS DECREE IS GRANTED ON (MONTH DAY YEAR.) ONLY COURT RECORDS CAN INDICATE THE DATE ON WHICH A DECREE BECOMES FINAL.	TYPE OF DECREE CHECK	DIVORCE	DISSOLUTION	ANNULMENT
	15.			
	TITLE OF COURT			
14.	16. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA			
SIGNATURE OF CERTIFYING OFFICIAL	TITLE OF OFFICIAL			
17.	18. CLERK OF THE COURT			

## INFORMATION FOR STATISTICAL PURPOSES ONLY

HUSBAND

RACE-HUSBAND Specify (e.g., White, Black, American Indian, etc.)	NUMBER OF THIS MARRIAGE Specify (First, second, etc.)	WIFE	RACE-WIFE Specify (e.g., White, Black, American Indian, etc.)	NUMBER OF THIS MARRIAGE Specify (First, second, etc.)
19. White	20. Second		21. White	22. Third

DHS-1501 (11/81) THIS CERTIFICATE IS TO BE FILED WITH THE CLERK OF THE COURT WITH THE PETITION

VITAL RECORDS  
PERMANENT FILE

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

**FILED**

**SEP 11 1987**

Superior Court  
of the District of Columbia  
Washington, D.C.

LILLA BURT CUMMINGS TOWER

Plaintiff,

v.

JOHN GOODWIN TOWER

Defendant.

Civil Action No. D1403-86

**ENTERED ON DOCKET**

**SEP 11 1987**

DECREE OF DIVORCE

This cause came before the Court on this 10th day of September, 1987. Upon the pleadings filed herein, and the evidence adduced, the following has been made:

FINDINGS OF FACT

1. The Plaintiff, LILLA BURT CUMMINGS TOWER, is a bona fide resident of the District of Columbia, and has been such for more than six months next preceding the filing of this action.
2. The parties were lawfully married to each other on May 29, 1977 in Dallas, Texas.
3. There are no children born of the marriage.
4. On or about November 11, 1985, the parties mutually and voluntarily began living separate and apart. Since that time, they have voluntarily continued to live separate and apart and such separation has been uninterrupted and without cohabitation for more than six months next preceding the commencement of this action.
5. The parties voluntarily entered into a Separation and Property Settlement Agreement on August 21, 1987 (Agreement),

by which contract the parties have settled all matters arising out of their marriage. The parties intend that the contract determine and control all matters set forth therein as set forth therein. Each party has had the advice of independent counsel of his or her own choosing in the negotiation and execution of the Agreement, understands its terms, and believes it constitutes a fair, reasonable and adequate settlement of their respective rights and obligations and was freely and voluntarily entered into by them. The Agreement includes, but is not necessarily limited to, matters concerning disposition of property, support and survivor and health benefits and annuity rights. The parties seek to have and intend that their Agreement be treated, perpetuated for its life and enforced as a contract and ask that the Court without in any manner whatsoever now or in the future abridging, modifying, limiting, changing the nature of, transforming, extinguishing or merging the whole or any part of said contract as contract, enter an order to effectuate the provisions relating to the benefits the Plaintiff is to receive under the Defendant's Federal Civil Service Retirement and Health Benefits Plans including annuity and survivorship benefits and health benefits in the amount and manner as has been set forth in the Agreement.

6. There is no reasonable prospect for reconciliation between the parties.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact the Court concludes as a matter of law that the Plaintiff is entitled to a Judgment of Absolute Divorce from the Defendant on the ground of the mutual and voluntary separation of the parties without cohabitation for more than six months next preceding the commencement of this action.

JUDGMENT

WHEREFORE, it is, by the Court, this 10<sup>th</sup> day  
of September, 1987,

ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiff, LILLA BURT CUMMINGS TOWER, be,  
and hereby is, awarded a divorce from the Defendant, JOHN GOODWIN  
TOWER, on the ground of mutual and voluntary separation of the  
parties without cohabitation for more than six months next  
preceding the commencement of this action.

2. That the Agreement of the parties entered into on  
August 21, 1987 settles all matters arising out of their  
marriage, was entered into freely and voluntarily by each with  
the advice of independent counsel, acknowledged by them to be a  
fair, reasonable and adequate settlement of their respective  
rights and obligations, and shall and does and will continue to  
constitute the contract between them and does and shall continue  
to govern and control exclusively all matters arising out of  
their marriage including but not limited to, all provisions in  
full for Plaintiff's support, including those setting forth the  
benefits Plaintiff shall receive under Defendant's Federal Civil  
Service Retirement and Health Benefits Plans including annuity  
and survivorship benefits and health benefits as set forth  
therein without deviation therefrom.

PROVIDED HOWEVER, that this Judgment shall not be  
effective to dissolve the bond of matrimony existing between the  
parties until the expiration of the time for the taking of an  
appeal and the disposition of any appeal which may be taken.

  
Sylvia Bacon, Associate Judge

copies to:

David Povich  
839 17th Street, N.W.  
Washington, D.C. 20006

Attorney for Plaintiff

Kenneth M. Lyons  
2101 L Street, N.W.  
Washington, D.C. 20037

Attorney for Defendant

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

FAMILY DIVISION  
Domestic Relations Branch

FILED

JUN 23 1987

Superior Court  
of the District of Columbia  
Washington, D. C.

LILLA BURT CUMMINGS TOWER, :  
Plaintiff :

v. :

JOHN GOODWIN TOWER, :  
Defendant :

Docket No. D 1403-86

ENTERED ON DOCKET


ORDER

JUN 23 1987

Upon consideration of telephone request for continuance of status hearing by David Povich, Esquire, and his representations that all parties are in agreement with the continuance, it is by the Court, this 19<sup>th</sup> day of June, 1987,

ORDERED that the status hearing in the above-captioned matter is continued to July 6, 1987 at 9:30 a.m. in courtroom #26.

Signed in Chambers.

  
SYLVIA BACON  
ASSOCIATE JUDGE  
D.C. SUPERIOR COURT

Copies to:

David Povich, Esq.  
WILLIAMS & CONNOLLY  
839 - 17th Street, N.W.  
Washington, D. C. 20006

Kenneth M. Lyons, Esq.  
DICKSTEIN, SHAPIRO & MORIN  
2101 L Street, N.W.  
Washington, D. C. 20037

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
FAMILY DIVISION - DOMESTIC RELATIONS BRANCH

LILLA BURT CUMMINGS TOWER, )  
Plaintiff, )

V. )

JOHN GOODWIN TOWER, )  
Defendant. )

CA No. D-1403-86

ENTERED ON DOCKET

JUN 23 1987

FILED

JUN 23 1987

Superior Court  
of the District of Columbia  
Washington, D.C.

ORDER

This matter comes before the Presiding Judge of the Family Division upon defendant's Motion to Designate Domestic Relations - I and plaintiff's Consent to Motion to Designate Domestic Relations - I.

After careful review of the record in this case and the submissions of counsel, the Court concludes that the matter is appropriate for special judicial assignment.

WHEREFORE, it is this 17<sup>th</sup> day of June 1987 hereby, ORDERED that defendant's Motion to Designate Domestic Relations - I is GRANTED, and it is

FURTHER ORDERED that the case is assigned to the Honorable Sylvia Bacon for all purposes or until further order of the Court, and it is

FURTHER ORDERED that a status hearing will be held in this matter before Judge Bacon on June 30, 1987, at 9:30 a.m., in Courtroom #39.

SO ORDERED.

SIGNED IN CHAMBERS:

JUN 17 1987

*Ricardo M. Urbina*

Ricardo M. Urbina  
Presiding Judge  
Family Division

Copies to:

David Povich, Esq.  
Williams & Connolly  
839 17th Street, N.W.  
Washington, D.C. 20006

Kenneth M. Lyons, Esq.  
Dickstein, Shapiro & Morin  
2101 "L" Street, N.W.  
Washington, D.C. 20037

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

FAMILY DIVISION  
MAY 27 3 36 PM '87  
CLERK OF THE  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

Lilla Burt Cummings Tower

Plaintiff,

v.

John Goodwin Tower

Defendant.

Civil Action No. 1403-86

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
COMMISSION TO TAKE DEPOSITION OF OUT-OF-STATE WITNESS

Defendant John Goodwin Tower, by counsel, hereby opposes plaintiffs' motion for commission to take the deposition of Ms. Estil Hyser on June 11, 1987 in Dallas, Texas. Plaintiff states that the deposition of Ms. Hyser is sought (1) "to establish the expenditures and the activities of the Defendant husband during the period when he was married to the Plaintiff;" and (2) "to establish the relationship between the witness and the Defendant with respect to the cause of the breakup of the marriage of the parties." As set forth below, the requested deposition should be quashed on grounds that (1) the testimony sought from Ms. Hyser is, on its face, irrelevant to any issue in this proceeding; and (2) said deposition can have no purpose other than to harass and embarrass defendant and Ms. Hyser in order to coerce unwarranted concessions in this proceeding from defendant.

First, plaintiff has initiated this action against defendant and alleges, as her sole ground for divorce, voluntary separation, without cohabitation. Complaint, ¶ 6. Defendant has admitted this allegation. Answer, ¶ 6. Given this limited basis for seeking divorce, any alleged marital misconduct on the part of the defendant has no legal bearing on plaintiff's suit. See Rzeszotarski v. Rzeszotarski, App. D.C., 296 A.2d 431 (1972); Davis v. Davis, App. D.C., 191 A.2d 138 (1963). Accordingly, Ms. Hyser's testimony, even if it were to address the issues stated by plaintiff, would be irrelevant to any issue raised by the Complaint.

Second, plaintiff's allusion to the need for information concerning defendant's expenditures during the marriage is disingenuous. Defendant has responded to plaintiff's extensive discovery requests by providing virtually every item of data relevant to his finances during the relevant period. This information is more than sufficient to establish the extent of defendant's ability to pay alimony. More to the point, however, plaintiff's financial statement reveals that she has a net worth in excess of \$2,000,000.00 -- many times that of defendant. Under such circumstances, plaintiff cannot seriously contend that she is entitled to alimony. Accordingly, the requested deposition can only serve to vent a vindictive urge to harass defendant and to extort unwarranted concessions from him.


On the basis of the foregoing, Plaintiff's Motion for Commission to Take Deposition of Out-of-State Witness should be denied.

ORAL HEARING REQUESTED

Dated: May 27, 1987

Respectfully submitted,  
DICKSTEIN, SHAPIRO & MORIN

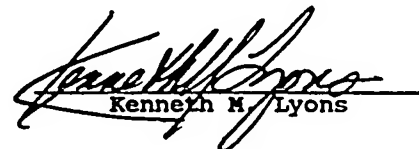
By:

  
Kenneth M. Lyons  
D.C. Bar No. 372841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons

FAMILY DIVISION  
MAY 1 2 29 PM '87  
IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch  
SUPERIOR DISTRICT

Lilla Burt Cummings Tower

Plaintiff

v.

John Goodwin Tower

Defendant.

Civil Action No. D1403-86

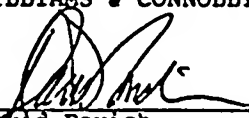
MOTION FOR COMMISSION TO TAKE  
DEPOSITION OF OUT OF STATE WITNESS

Plaintiff, by and through her attorney, David Povich, moves the court pursuant to Rule 28-1(a) for an Order appointing a person authorized to administer oaths in Dallas, Texas to take the deposition of Ms. Estil (Dottie) Hyser of Dallas, Texas in accordance with the attached Notice of Deposition, and to issue a commission to do so.

The deposition of this witness is sought to establish the expenditures and the activities of the Defendant husband during the period when he was married to the Plaintiff, and to establish the relationship between the witness and the Defendant with respect to the cause of the breakup of the marriage of the parties.

Respectfully submitted,

WILLIAMS & CONNOLLY

  
David Povich  
Bar No. 101081  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006


AREA CODE 202  
331-9000

MEMORANDUM IN SUPPORT OF MOTION

RULE 28-I(A)

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 1987, a copy of the foregoing was delivered by hand to Kenneth M. Lyons, Esquire, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.

  
David Povich

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20004

AREA CODE 202  
831-8000

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

FAMILY DIV  
MAY 27 3 36 PM '87  
CLERK OF THE  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

Lilla Burt Cummings Tower  
Plaintiff,  
v.  
John Goodwin Tower  
Defendant.

Civil Action No. 1403-86

DEFENDANT'S RESPONSE TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendant John Goodwin Tower, by counsel, hereby responds  
to plaintiff's first set of interrogatories as follows:

General Objections

Defendant objects to all of plaintiff's interrogatories on  
grounds that they are excessive, overburdensome, irrelevant and  
calculated only to harass defendant. Plaintiff's interrogatories,  
conservatively estimated, total two hundred thirty-nine, including  
parts and subparts. This number exceeds the limit set forth in  
Rule 33(a) of the Superior Court of the District of Columbia by  
almost six times. Defendant cannot presume to guess to which  
forty of these interrogatories plaintiff would like responses.  
However, if no more than forty questions are designated by  
plaintiff, defendant will respond to those interrogatories.

To the extent certain of plaintiff's interrogatories seek  
information concerning defendant's past or present financial  
status, all responsive financial data has been made available by  
defendant in response to Plaintiff's Request for Production of  
Documents.

Dated: May 27, 1987

Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

By:

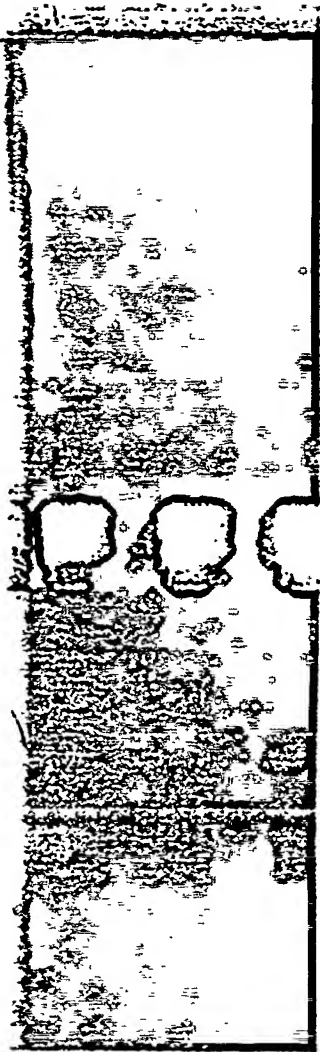
*[Signature]*  
Kenneth M. Lyons  
D.C. Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons



IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

Lilla Burt Cummings Tower

Plaintiff

v.

John Goodwin Tower

Defendant.

Civil Action No. 1403-86

PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff, Lilla Burt Cummings Tower, hereby responds to Defendant's Request for Production of Documents to Plaintiff as follows:

I. GENERAL OBJECTIONS

Plaintiff objects to Defendant's requests in so far as they seek documents which are more than five years old or cover a period prior to January 1, 1982. In this regard, Defendant's request No. 2 asks for copies of Federal and State income tax returns for the years 1974 through 1986. This request for returns filed prior to 1982 is burdensome, and it should be noted that throughout the years of marriage, the parties filed joint returns until April 1987. The returns were prepared by accountants for both parties and Defendant has or has access to all of this material. Nevertheless, copies of the joint returns for the years 1982 through 1985 are being provided by the wife as well as the material relating to 1986 which will be included in Mrs. Tower's separate return for that year.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-9000


Defendant Husband's request for all documents, checks, etc., for the years prior to 1982 is overly burdensome and calls for material which is not relevant to this case. Plaintiff is providing that documentation requested for the period January 1, 1982, to date with respect to each request and all documents relating to the ownership of Real Property. This material is more than sufficient to permit the Court to decide the issues before it. Absent some showing of a particularized need for a particular document which existed prior to January 1, 1982, Plaintiff believes that her objection is reasonable.

## II. RESPONSE

Subject to the foregoing general objections, Plaintiff, upon the filing of this Response, has produced at the office of the Defendant's attorney, copies of all documents requested. There are additional miscellaneous documents in the office of Plaintiff's attorney which counsel for Defendant may review, and copies of those which he designates will be provided him.

Respectfully submitted,

WILLIAMS & CONNOLLY

  
David Povich  
Bar No. 101081  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

RECEIVED  
CLERK OF  
THE  
DISTRICT OF COLUMBIA  
JAN 14 1987

Lilla Burt Cummings Tower

Plaintiff,

v.

John Goodwin Tower

Defendant.

Civil Action No. 1403-86

DEFENDANT'S RESPONSE TO PLAINTIFF'S  
REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant John Goodwin Tower, by counsel, hereby responds  
to Plaintiff's Request for Production of Documents as follows:

Request No. 1

All personal check books, including the ledger  
portion thereof, bank statements, and canceled  
checks, in any account in which you have or have  
had any interest, direct or indirect, for the years  
1980 to date.

Response: Defendant will make available for inspection  
and copying all bank statements and check registers for the years  
1980 to date.

Request No. 2

All savings account passbooks, or other documents  
or memoranda, or evidence of any such accounts,  
which are currently open or have been open since  
January 1, 1980, in which you have had at any time  
a direct or indirect interest.

Response: All responsive documents which are in defen-  
dant's possession, custody or control will be made available for  
plaintiff's inspection and copying.

Request No. 3

All stocks, bond [sic], mutual funds, certificates  
of deposit, money market funds, brokerage account  
statements, or similar investments, in which you  
have or have had any direct or indirect interest  
from January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 4

All records pertaining to stock options or warrants in any corporation or other entity, exercised or not yet exercised, from January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 5

Copies of any Federal and State personal income tax returns, including all W-2 statements and schedules attached to each return, for the 1986 tax year; and any and all workpapers relating to [sic] thereto and to 1987.

Response: Defendant has no documents responsive to this request at this time.

Request No. 6

Copies of all W-2 statements for the year 1986, 1099 statements for the year 1986, and any other statements or attachments used to prepare your 1986 and 1987 Federal and/or State income tax returns, if Federal and State income tax returns have not yet been filed for 1986.

Response: Defendant objects to this request as unduly burdensome. Subject to this objection, defendant will produce W-2 and 1099 statements for 1986, a copy of his 1986 journal and a copy of Form 4868.

Request No. 7

All wage statements received by you from any employer during the period between January 1, 1985, to date of production of these documents.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 8

All documents, memoranda or other evidence relating in any way to any direct or indirect interest in profit sharing, pension or retirement funds, which

you have presently or have had since January 1, 1980.

**Response:** All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 9

All documents, memoranda or evidence of any kind of payments made to or received by you, whether considered income or not, from any investment or employment other than the monies reflected in the W-2 forms produced pursuant to requests number 5 and 6 above, from January 1, 1980, to the date of production of these documents.

**Response:** All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 10

All documents, including but not limited to checkbooks, passbooks or similar evidence for any type of banking account either opened or used by you for the benefit of anyone else from January 1, 1980, to the date of production of these documents.

**Response:** Defendant has no documents responsive to this request.

Request No. 11

All documents, including but not limited to, articles of incorporation, corporate minutes or resolutions, or indication of ownership, or direct or indirect interest in any corporation, partnership, joint venture, professional association or any other business venture or trust in which you currently hold or have had any interest, from January 1, 1980, to date.

**Response:** Defendant has no documents responsive to this request.

Request No. 12

Copies of all tax returns for any corporation, partnership, joint venture, professional association, or any other business venture or trust in which you have had any interest during the years 1980 to date.

Response: Defendant has no documents responsive to this request.

Request No. 13

Copies of all deeds, deeds of trust, or mortgages for any and all real estate in which you currently have an interest or have had any direct or indirect interest from the date of your present marriage to the date of production of these document [sic].

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 14

All contracts of sale, settlement sheets, promissory notes, canceled checks or other documents in any way related to any purchase or sale of real estate in which you have or have had any interest, direct or indirect, from the date of your present marriage to the date of production of these documents.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 15

Copies of all insurance policies on your life, of any type whatsoever, including but not limited to, whole life or term, in which you have an interest, or are the beneficiary of, from January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 16

Copies of all monthly statements received from credit card companies for credit cards which you own or have used from January 1, 1980, to date.

Response: Defendant objects to this request as irrelevant to any issue in this proceeding and as unduly burdensome.

Request No. 17

Copies of all individual receipts for credit card charges on credit cards which you have owned or used from January 1, 1980, to date.

Response: Defendant objects to this request as irrelevant to any issue in this proceeding and as unduly burdensome.

Request No. 18

Any and all documents, evidence or memoranda of any kind, showing sale or transfer of any real or personal property in which you have had a direct or indirect interest since January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 19

All memoranda, documents, records, evidence or instruments of any sort showing direct or indirect ownership or any other type of ownership interest in any asset not previously mentioned above.

Response: Defendant objects to this request as vague. Subject to this objection, defendant states that he does not have any documents which he believes would be responsive to this request.

Request No. 20

A copy of your current financial statement, including monthly income and expenses, assets and liabilities.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 21

Copies of any and all personal financial statements, prepared by you, on your behalf, or at your direction from January 1, 1980, to date.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 22

Copies of all financial statements, balance sheets and income statements received by you with respect to any and all proprietorships, joint ventures, partnerships, realty trusts, corporations or other legal entities in which you have or have had any

interest, individually or otherwise from January 1, 1980.

Response: Defendant has no documents responsive to this request.

Request No. 23

All records relative to any inter-vivos trusts from which benefits have been received, are being received or will be received by you whether such trusts are revocable or irrevocable.

Response: Defendant has no documents responsive to this request.

Request No. 24

Copies of all receipts, worksheets, memoranda, bills or any other supporting documents that were used or are being used to compile the financial statements requested in Interrogatories that have been propounded by you.

Response: See Defendant's Objection to Plaintiff's First Set of Interrogatories.

Request No. 25

Copies of all Income Projection Statements prepared by you or on your behalf for the years 1980 to date.

Response: Defendant has no documents responsive to this request.

Request No. 26

Copies of all receipts, worksheets, memoranda, bills or any other supporting documents that were used or are being used to compile the financial statement to be submitted at the trial of this case.

Response: Defendant has no documents responsive to this request.

Request No. 27

Any documentary evidence which you intend to introduce at the trial of this case.

Response: Not yet determined.

Request No. 28

Any documentation, including but not limited to checks, bills, receipts, which show funds expended for your living expenses and/or your wife since January 1, 1980, to date.

Response: See bank statements, journals and monthly financial reports for 1980-84 provided in response to previous requests. Defendant has no other documents responsive to this request.

Request No. 29

Any lists, catalogues, memoranda, or other documents prepared by you, on your behalf, or at your direction, which relates [sic] to ownership of either real or personal property, individually, jointly, directly or indirectly, since January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 30

Any and all documents, memoranda, or other evidence which reflect any liabilities which you owe or have owed since January 1, 1980, to date. This request includes both personal liability and any liability you have for any business in which you have or have had any direct or indirect interest.

Response: See financial statements provided in response to previous requests.

Request No. 31

Any documents, memoranda, records of any kind compiled by you, at your direction, or on your behalf, which list or itemize or explain any values for any personal or real property owned by you and/or your wife, individually, jointly, directly or indirectly, since January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 32

Any documents, memoranda, or records of any kind which reflect the receipt of any gift or loan from [sic] any source from January 1, 1980, to date.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 33

All books and records showing any benefits available to you or which you have received from any business since January, 1980 to date including without limitation, auto expenses, life insurance, bonuses, health, accident and hospital insurance.

Response: Defendant objects to this request as irrelevant to any issue in this proceeding and as unduly burdensome.

Request No. 34

Copies of all loan applications and statements of loan accounts for all loans applied for by you, whether or not taken or approved, from January 1, 1980, to date.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 35

Copies of all trusts in which you may have a present or contingent interest, including the certificates, if any, indicating such interests, together with copies of all statements, receipts, disbursements, investments and other transactions relating thereto, from January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 36

Copies of all real estate mortgages held by you, or by any entity (including but not limited to realty trusts, partnerships or corporations) in which you have or have had any present or contingent interest from January 1, 1980, to date.

Response: Defendant has no documents responsive to this request.

Request No. 37

All registrations to motor vehicles, boats or aircraft owned or used by you in 1985, 1986, and 1987.

Response: All responsive documents which are in defendant's possession, custody or control will be made available for plaintiff's inspection and copying.

Request No. 38

All ledgers, books, accounts, cash receipt journals, accounts receivable, accounts payable and all other accounts kept or maintained by you (or under your supervision and direction) in connection with any business or businesses from January 1, 1980, to date.

Response: Defendant objects to this request as unduly burdensome. All relevant information sought by this request is contained in documents provided in response to previous requests.

Request No. 39

All calendars and appointment books (personal or business) for the years 1980, to date.

Response: Defendant objects to this request as irrelevant to any issue in this proceeding and as unduly burdensome.

Request No. 40

All documents in any way relating to your receipt and expenditure of campaign funds contributed to any organizations of which you were the beneficiary during the period January 1, 1980, to date, without limitation to groups known as Texans for Tower or the Tower Senate Club. Said documents include, but are not limited to all documents filed with any state or federal agency during said period and which relate in any way to your campaign or services to the United States government.

Response: All information relevant to this request is contained in Federal Election Commission reports filed by defendant, copies of which will be made available for plaintiff's inspection and copying.

Request No. 41

All documents relating to your travel by air or rental automobile for the period January 1, 1980, to date.

Response: Defendant objects to this request as unduly burdensome and irrelevant to any issue in this proceeding.

Request No. 42

All documents showing your expenditure for suits and shirts purchased by you, or provided for your use, during the period January 1, 1980, to date.

Response: Defendant objects to this request as unduly burdensome and irrelevant to any issue in this proceeding.

Request No. 43

All documents containing communications to or from Mrs. Emil (Dottie) Heiser (Heyser).

Response: Defendant objects to this request as unduly burdensome and irrelevant to any issue in this proceeding.

Request No. 44

All documents relating to your telephone long distance toll charges for the period January 1980 to date, and all documents relating in any way to your reimbursing any person or entity, private, state or federal for any telephone charges made by you.

Response: Defendant objects to this request as unduly burdensome and irrelevant to any issue in this proceeding.

Request No. 45

All documents which Plaintiff requested Defendant to identify in Plaintiff's First Set of Interrogatories to Defendant.

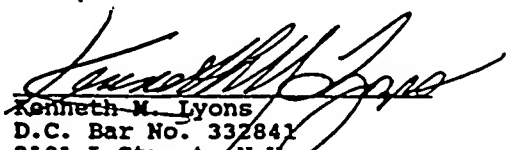
Response: See Defendant's Objection to Plaintiff's First Set of Interrogatories.

Dated: May 27, 1987

Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

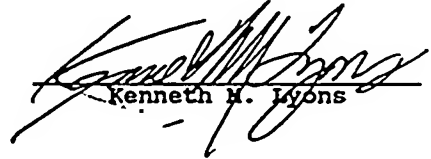
By:

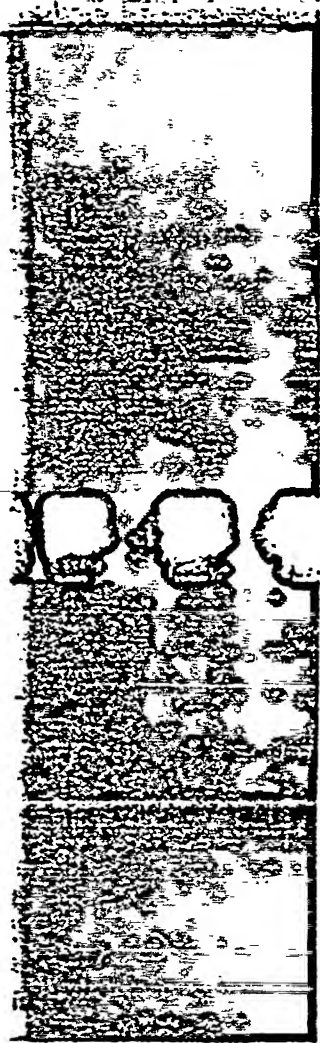
  
Kenneth M. Lyons  
D.C. Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons



IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

Lilla Burt Cummings Tower  
Plaintiff,  
v.  
John Goodwin Tower  
Defendant.

Civil Action No. 1403-86

SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

FILED  
MAY 29 1977

AMENDED ANSWER AND COUNTERCLAIM OF JOHN GOODWIN TOWER

Defendant John Goodwin Tower answers plaintiff's Complaint as follows:

1. Defendant neither admits nor denies the allegations contained in paragraph 1 of the Complaint since that paragraph states a legal conclusion.

2. Defendant admits that Lilla Burt Cummings Tower is an adult citizen of the United States and has resided in the District of Columbia for more than six months next preceding the commencement of this action but further states that plaintiff has been a resident of the state of Texas since the parties were married on May 29, 1977. Defendant denies each and every other allegation contained in paragraph 2 of the Complaint.

3. Defendant admits that he is an adult citizen of the United States and a resident of Dallas, Texas and denies each and every other allegation contained in paragraph 3 of the Complaint.

4. Defendant admits the allegations contained in paragraph 4 of the Complaint.

5. Defendant admits the allegations contained in paragraph 5 of the Complaint.

6. Defendant admits the allegations contained in paragraph 6 of the Complaint.

7. Defendant admits the allegations contained in paragraph 7 of the Complaint.

8. Defendant admits that he is self-employed but denies that he is able to contribute to the support and maintenance of plaintiff. Defendant denies that plaintiff is unemployed and, upon information and belief, denies that plaintiff is in need of payments from defendant for her support. Pleading further, defendant states that plaintiff owned financial assets of substantially greater value than those of defendant prior to the marriage. Plaintiff's income from such assets were used by plaintiff for her maintenance and support before the marriage and during the marriage. Plaintiff's lifestyle was neither substantially augmented nor diminished by defendant during the marriage.

9. Defendant admits that plaintiff has an ownership interest in the real property described in paragraph 9 of the Complaint but denies each and every other allegation contained therein.

10. Defendant admits the allegations contained in paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in paragraph 11 of the Complaint.

COUNTERCLAIM FOR EQUITABLE DIVISION OF COMMUNITY PROPERTY

Defendant John Goodwin Tower, for his counterclaim against plaintiff Lilla Burt Cummings Tower, states as follows:

1. Jurisdiction over this counterclaim is based on D.C. Code § 11-1101(1) and Rule 13 of the Superior Court of the District of Columbia.

2. Plaintiff and defendant were married in Dallas, Texas, and have remained residents of the State of Texas during their marriage.

3. The property rights and other rights of the parties are governed by the laws of the State of Texas.

4. All property accumulated by either party during the marriage, other than by individual gift, bequest, devise or descent, and income from the separate estate of either party (except royalty income) and income earned by either party is community property under the laws of the State of Texas.

5. A certain parcel of real property located at 20 Kalorama Circle, N.W., Washington, D.C. was acquired during the marriage using community funds. Community funds also were expended to make payments against the mortgage covering the above-described property.

6. Additional community funds were earned by plaintiff during the marriage of the parties and currently such funds or property acquired with such funds are in plaintiff's possession, custody or control.

WHEREFORE, defendant prays:

1. That he be granted an absolute divorce from plaintiff on the ground of voluntary separation from plaintiff, without cohabitation, for six months;

2. that neither party be awarded alimony, support or maintenance;

3. that the Court declare the property located at 20 Kalorama Circle, N.W., Washington, D.C. to be community property in accordance with Texas law or, in the alternative, order that any community funds contributed toward the purchase of said property or paid against the mortgage on said property be

reimbursed to the community for equitable distribution in accordance with Texas law;

4. that the Court order that any community funds contributed toward any other property held by plaintiff as her separate property be reimbursed to the community for equitable distribution.

5. that the Court distribute all other property accumulated during the marriage other than by individual gift, bequest, devise or descent, and all income from the separate estate of either party (except royalty income) and income earned by either party as community property in accordance with Texas law, in a manner that is equitable, just and reasonable;

6. that defendant be awarded his attorney fees and that plaintiff bear the costs of this action; and

7. for such other and further relief as the Court may deem just and proper.


  
  
John Goodwin Tower

Subscribed and sworn to before me this 3rd day of April, 1987, at Washington, D.C.

  
Notary Public

My commission expires: 9/30/88.

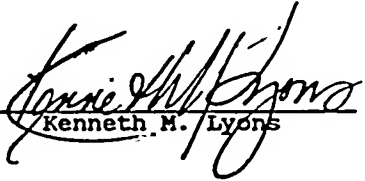
DICKSTEIN, SHAPIRO & MORIN

By:   
Kenneth M. Lyons  
D.C. Bar No. 232841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of April, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

Lilla Burt Cummings Tower  
Plaintiff,

v.

John Goodwin Tower  
Defendant.

Civil Action No. 14086

CLERK OF  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

MAY 22 9 41 PM '87

FAMILY DIVISION

#1 MOTION TO DESIGNATE DOMESTIC RELATIONS - I

Defendant John Goodwin Tower, by counsel, respectfully moves the Court, pursuant to Rule I of the Superior Court of the District of Columbia - General Family Proceedings, for an order designating a single judge to preside over all matters connected with this proceeding. As grounds for this motion, defendant states as follows:

1. This is a divorce action which involves partition of substantial assets. Plaintiff contends that the parties property rights should be construed in accordance with the law of the District of Columbia. Defendant contends that the parties' property rights should be construed in accordance with the laws of Texas, wherein the parties were married and maintained their residence during the marriage. Accordingly, this action presents potentially complex issues concerning choice of law.

2. Under the law of Texas, all property owned by either party during the marriage must be examined for the purpose of marshalling community assets. Thereafter, the Court must exercise its discretion in allocating community property in accordance with the equities. This process is likely to require considerable discovery and the production of voluminous documents. In addition, a single judge can more easily be familiarized with

ML  
5-22-87

the circumstances of the parties and, thus, would better be able to render a just and equitable division of property.

WHEREFORE, defendant respectfully requests that a single judge be designated to preside over this action.


POINTS AND AUTHORITIES

Rule I of the Superior Court of the District of Columbia - General Family Proceedings.

Dated: April 24, 1987 Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

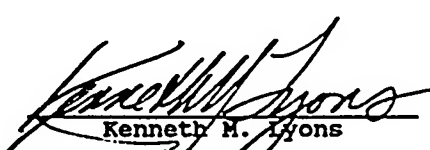
By:

  
Kenneth M. Lyons  
D.C. Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of April, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons

Rec'd  
5-22-87  
mpe

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

Lilla Burt Cummings Tower

Plaintiff,

v.

John Goodwin Tower

Defendant.

Civil Action No. 1403-86

MOTION FOR LEAVE TO FILE AMENDED ANSWER AND COUNTERCLAIM

Defendant John Goodwin Tower, by his attorney, hereby moves, pursuant to Rules 13(e) and 15(a) of the Superior Court of the District of Columbia, for leave to file an amended answer and counterclaim in the form attached. As grounds for this motion, defendant's counsel states that the amended pleading is necessary, in the interest of justice, to preserve certain of defendants property rights and to facilitate a just and equitable resolution to this matter. Moreover, since the amended pleading primarily is designed to conform to certain requirements of Texas community property law, it does not alter materially the defenses or prayers stated in defendant's original pleading. Accordingly, plaintiff has had full notice of all matters alleged in the amended pleading.

POINTS AND AUTHORITIES

Superior Court Civil Rules 13(e) and 15(a).

Dated: April 30, 1987 Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

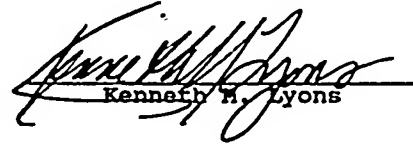
By:

*Kenneth M. Lyons*  
Kenneth M. Lyons  
D.C. Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of April, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons



IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

FILED  
MAR 11 11 23 AM '87  
CLERK OF  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

LILLA BURT CUMMINGS TOWER,

Plaintiff,

v.

JOHN GOODWIN TOWER

Defendant.

Civil Action No. 1403-86

PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR LEAVE TO  
FILE AMENDED ANSWER AND COUNTERCLAIM

In the guise of a simple motion to amend his answer, filed under oath nine months ago, and file a counterclaim, defendant John Tower invokes the community property law of Texas in an effort to avoid paying alimony, evade his obligations to Mrs. Tower under their prenuptial agreement, and obtain an interest in real property owned solely by his wife. Because Mr. Tower's motion rests on the applicability of Texas law, and because Texas law plainly does not and cannot apply to any issue in this case, the Court should deny the motion.

BACKGROUND

The facts necessary to decide this motion are simply stated. Mrs. Tower is a domiciliary of the District of Columbia and has lived here virtually all of her adult life.<sup>1/</sup> Mr. Tower,

<sup>1/</sup> Mrs. Tower graduated from high school, college, and law school in the District. She practiced law here for many years before her marriage to Mr. Tower. In addition, during her years in the District, Mrs. Tower has served both the local and federal governments. In the 1970s, she served, at the Mayor's request, on the District of Columbia Board of Zoning Adjustment. In 1981 she was appointed by President Reagan to head the Institute for Museum Services, a branch of the National Foundation for the Arts and Humanities, (Footnote Continued)

has, in fact, lived either in the District or abroad since 1978. He never lived in Texas from 1978 until the parties separated in 1985. In 1986 he rented an apartment in Dallas shortly before this action began, but spends limited time there now. Neither Tower has owned or established a home in Texas or any other Texas realty at any time during their marriage. The real property in which Mr. Tower seeks an interest is owned by Mrs. Tower and is located in the District of Columbia.

The Towers were married in 1977. Shortly before their wedding, they entered into a prenuptial agreement in the District. Under this agreement, all property of the Wife prior to the marriage, and all income therefrom, was to remain her separate property. Throughout the ten-year course of the marriage, Mr. Tower repeatedly and publicly acknowledged the terms of this agreement, acted in reliance on it, and reaped political and economic benefit from it. E.g., Exhibit A (attached to Mr. Tower's Financial Disclosure Report, required by the Ethics in Government Act).

Before Mr. Tower retired from the United States Senate in January 1985, the Towers returned to Texas to vote. On these visits, they stayed either with friends of Mr. Tower in Wichita Falls, Texas, or in motels.<sup>2/</sup> In addition, the Towers made occasional campaign trips to Texas, during which they stayed in hotels or motels. From the time Mr. Tower left the Senate until this action began, the Towers lived either in the District or in

where she served from December 1981 to July 1983.

<sup>2/</sup> On their Texas voter registration cards, the Towers listed the home of Mr. Tower's friends as their address. In fact, the Towers did not live at that address and stayed there several times when they were voting.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D C 20006

AREA CODE 302  
331-8000

Geneva, Switzerland, spending only a limited time in Texas.<sup>3/</sup>

On these facts, Mr. Tower would have the Court disregard the law of this jurisdiction and apply Texas community property law. He asks the Court to take this unprecedented and clearly unconstitutional step so that he can avoid paying alimony, evade the plain terms of the parties' prenuptial agreement, and obtain rights in real property that is not and has never been his.

#### ARGUMENT

This motion raises the sole issue of whether District of Columbia law should determine the substantive issues of alimony, the effect to the given to the parties' prenuptial agreement, and whether principles of community property under Texas law apply to real property owned by the Wife and located in the District of Columbia.<sup>4/</sup> Both the Constitution and District of Columbia choice-of-law rules require this Court to resolve these issues according to District law.

#### I. APPLICATION OF TEXAS LAW WOULD VIOLATE DUE PROCESS.

Under the due process clause, a court may not apply the law of a jurisdiction unless that jurisdiction has "a significant contact or significant aggregation of contacts, creating state interests, such that choice of its law is neither arbitrary nor fundamentally unfair." Allstate Insurance Co. v. Hague, 449 U.S. 302, 313 (1981) (plurality opinion); see id. at 332 (Powell & Rehnquist, JJ., & Burger, C.J., dissenting) (agreeing with plurality rule); Kaiser-Georgetown Community Health Plan, Inc. v.

<sup>3/</sup> Mrs. Tower spent approximately ten days in Texas in 1985. She spent no time in Texas at all during 1986. Mr. Tower may have spent a few more days than Mrs. Tower in Texas during this period, but the vast bulk of his time was spent either in the District or in Geneva.

<sup>4/</sup> The prenuptial agreement makes clear that Mrs. Tower's separate property is to remain hers alone.

Stutsman, 491 A.2d 502, 507-09 (D.C. App. 1985) (applying Allstate rule). Due process requires courts to "refrain from frustrating the defendant's legitimate expectations as to the standards by which he would be governed in the event of suit." Id. at 508 n.8.

Application of Texas law to this case would be both arbitrary and fundamentally unfair. Moreover, it would frustrate Mrs. Tower's "legitimate expectation[]" that the parties' marital property rights would be governed by District law. Texas has no significant contacts with this litigation that create state interests. All of the Texas contacts are inconsequential: the parties never lived there; they visited there periodically, primarily to campaign for Mr. Tower and to service his constituents; they voted in Texas to preserve Mr. Tower's political seat; and, after the parties separated and shortly before this action began, Mr. Tower rented an apartment there, but did not have sufficient residence to bring suit.

These scattered contacts simply do not permit application of Texas law to determine the obligation to pay alimony to a long-time District resident, or to test the validity of a prenuptial agreement that was entered into and acted in furtherance of in the District, or to adjudicate rights in realty that lies solely within the District of Columbia.

The Supreme Court's decision in Home Insurance Co. v. Dick, 281 U.S. 397 (1930), approved in Allstate, makes clear that Texas law cannot be applied here. In Dick, a Mexican insurer issued an insurance policy to a Mexican citizen covering a Mexican risk. The policy was assigned to Dick, who was "physically present and acting" in Mexico, but was a permanent resident and citizen of Texas. See id. at 404, 408. Dick sued on the policy in Texas and the Texas court applied Texas law to uphold his claim.

The Supreme Court reversed. It held that the due process clause barred application of Texas law, because all significant acts were done outside Texas. The Court declared that "[t]he fact that Dick's permanent residence was in Texas is without significance." Id. at 408 (emphasis added); see also Jenkins v. Armstrong World Industries, Inc., 643 F. Supp. 17, 22-24 (D. Idaho 1985) (refusing to apply Texas law where sole contact was that defendants were licensed to do business there).

Just as Dick's residence in Texas did not justify application of Texas law in Dick, Mr. Tower's nominal residence in Texas does not warrant application of Texas law in this case. Like Dick, Mr. Tower is "physically present and acting" outside the state of Texas. As in Dick, the other party--Mrs. Tower--has no significant connection with Texas. It is no less arbitrary and unfair to apply Texas law against Mrs. Tower than it was to apply Texas law to an out-of-state party in Dick.

An Eighth Circuit decision, McCluney v. Jos. Schlitz Brewing Co., 649 F.2d 578 (8th Cir.), aff'd mem., 454 U.S. 1071 (1981), provides additional guidance. A former Schlitz employee sued under the Missouri service letter statute. Missouri had only two contacts with the case: the employee had originally been hired in Missouri, and he had returned there following his termination by Schlitz. The court of appeals held that Missouri's contacts with the case were so slight that its law could not constitutionally be applied. See id. at 580-84.

McCluney is analogous to this case. The Towers were married in Texas, but never lived there. They lived all of their marriage, except for the time in Geneva, in the District of Columbia, with occasional visits to Texas. In 1986, after the parties had separated and shortly before this action began, Mr. Tower rented an apartment in Texas. On the basis of these contacts, similar to those found inadequate in McCluney, he seeks

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

to apply Texas law.

Under Allstate, Dick, and McCluney, Texas law cannot, consistent with due process, be applied in this case.

II. DISTRICT OF COLUMBIA CHOICE-OF-LAW RULES REQUIRE THAT DISTRICT LAW BE APPLIED.

Even if the Court were to find that Texas had sufficient connection with the parties and issues to permit application of its law under the due process clause, District of Columbia choice-of-law rules require that the Court apply District law to the issues in the case.

A. "Governmental Interest" Analysis Governs the Choice-of-Law Issues.

District of Columbia courts apply "governmental interest" analysis to decide choice-of-law questions. Under this approach, the court must "evaluate the governmental policies underlying the applicable laws and . . . determine which jurisdiction's policy would be most advanced by having its law applied to the facts of the case under review." Stutsman, 491 A.2d at 509 (quoting Williams v. Williams, 390 A.2d 4, 5-6 (D.C. App. 1978)).

When only one state has an interest in the application of its law, then "a false conflict appears and the law of the interested state prevails." Id. (quoting Biscoe v. Arlington County, 738 F.2d 1352, 1360 (D.C. Cir. 1984), cert. denied, 105 S. Ct. 909 (1985)). When both states have an interest in the application of their laws, then a "true conflict" exists; "in that event, the forum law will be applied unless the foreign state has a greater interest in the controversy." Id. (emphasis added).

B. The District of Columbia Has a Greater Interest in This Litigation Than Does Texas.

The District of Columbia has a powerful interest in

fairly resolving this dispute between two people who have lived and worked here all their married lives, and in adjudicating rights in real property located within its boundaries. By contrast, Texas, to the extent its laws conflict with those of the District, has only a meager interest in the case.<sup>5/</sup> Texas simply does not have a "greater interest in the controversy" than does the District. Stutsman, 491 A.2d at 509.

1. Alimony.

The District of Columbia has long empowered its courts to award alimony upon divorce. See D.C. Code §§ 16-912, -913 (1981). Texas, by contrast, prohibits the award of permanent alimony. See McElreath v. McElreath, 345 S.W.2d 722, 724 (Tex. 1961). In this case, the District's interest in protecting its

<sup>5/</sup> Indeed, a Texas court would not even have heard this case. Texas law provides that "[n]o suit for divorce may be maintained unless at the time suit is filed" one of the parties "has been a domiciliary of this state for the preceding six-month period and a resident of the county in which the suit is filed for the preceding ninety-day period." Tex. Fam. Code Ann. § 3.21 (Vernon 1975); see Berry v. Berry, 612 S.W.2d 213, 215-16 (Tex. Civ. App.--Beaumont 1980, writ diss'd w.o.j.).

Under Texas domestic relations law, domicile requires residence in fact and an intention to establish a permanent home. Skubal v. Skubal, 584 S.W.2d 45, 46 (Tex. Civ. App.--San Antonio 1979, writ diss'd w.o.j.). Residence, in turn, requires "actual, physical, continuous living" in the state and county, with only "temporary" absences. Beavers v. Beavers, 543 S.W.2d 720, 721 (Tex. Civ. App.--Waco 1976, no writ) (emphasis added). Time spent by a Texas domiciliary outside Texas "in the service of . . . the United States" is "considered residence in the state and county." Tex. Fam. Code Ann. § 3.22 (Vernon 1975).

Neither party in this case meets the requirements of Tex. Fam. Code § 3.21. Mrs. Tower at no time was a resident of any county in Texas, did not set foot in Texas during 1986, and only spent 10 days as a visitor in Texas in all of 1985 when she resided with Mr. Tower in Geneva. Nor was Mr. Tower actually, physically, and continuously present in Texas between the time he left the State Department on April 1, 1986 and the time this suit was filed.

Texas itself would not have entertained this litigation, and this Court should not abandon the District's interest and sit as a Texas court applying Texas law.

domiciliary--Mrs. Tower--is plainly stronger than any Texas interest underlying the state's alimony prohibition.

Under District law, alimony is properly awarded when "reasonable and necessary" to support a spouse upon divorce. Anderson v. Anderson, 449 A.2d 334, 336 (D.C. App. 1982); Leftwich v. Leftwich, 442 A.2d 139, 142 (D.C. App. 1982). The District's interest in ensuring "reasonable and necessary" support is strongest when the recipient is a District domiciliary, as Mrs. Tower is. That interest is particularly strong here, because Mrs. Tower has spent virtually her entire adult life in the District and is firmly rooted here.

Because the District's interest in protecting its domiciliary is a powerful one, and because Texas has no significant countervailing interest, the Court must apply District law to the alimony issue.

2. The Prenuptial Agreement.

District policy favors enforcing prenuptial agreements, provided they are fair. - See Burtoff v. Burtoff, 418 A.2d 1085, 1089 (D.C. App. 1980); cf. D.C. Code § 16-910 (1981) (specifying property distribution on divorce "in the absence of a valid antenuptial . . . agreement").

That policy is applicable here. Upholding the Towers' agreement, repeatedly reaffirmed by Mr. Tower, will protect the rights of Mrs. Tower, a District domiciliary. In addition, enforcement of the agreement will fulfill the parties' legitimate expectations; undoubtedly they anticipated when they entered into the agreement in the District that it would be enforced in accordance with District law. Moreover, the subject-matter of the agreement--the property--lies exclusively in the District, and the agreement is to be performed here. These contacts demonstrate that the District has a paramount interest in

enforcing the agreement. See Owen v. Owen, 427 A.2d 933, 937 (D.C. App. 1981) (separation agreement made in Maryland by Maryland residents to govern Maryland realty controlled by Maryland law, even though husband resides in District at time of suit).

Texas has no countervailing interest weighing against the District's policy favoring enforcement. Since 1980 Texas has expressly permitted prenuptial agreements that divide property acquired during marriage.<sup>6/</sup> See Tex. Const. art. 16, § 15 (Vernon Supp. 1987); see also Tex. Fam. Code Ann. § 5.41(a) (Vernon Supp. 1987) (statute implementing the constitutional provision).<sup>7/</sup> Thus, enforcement of the agreement between the Towers would not contravene any Texas policy.<sup>8/</sup>

The prenuptial agreement issue presents a classic false

6/ Mr. Tower has repeatedly acted upon, relied upon, and taken refuge in the terms of the agreement throughout the ten-year period of the marriage.

7/ It is irrelevant for choice-of-law purposes that in 1977, when the Towers entered into their agreement, Texas law did not permit prenuptial agreements concerning property acquired during marriage. See Williams v. Williams, 569 S.W.2d 867, 870 (Tex. 1978). The crucial question is how Texas views such agreements now. As the 1980 amendment to Tex. Const. art. 16, § 15 makes clear, Texas favors such agreements and has for years.

8/ Indeed, a Texas court (if it would hear the case at all, see supra note 5) would apply District law to determine the parties' rights under the agreement. Texas uses the Restatement (Second)'s "most significant relationship" test to determine choice-of-law in contract cases. See Duncan v. Cessna Aircraft Co., 665 S.W.2d 414, 421 (Tex. 1984). That test requires that the court first "identify the state contacts that should be considered," and then assess the significance of these contacts in light of each state's interest in the application of its rule. See id.

Applying this test, a Texas court would find that the District has the most significant relationship with the prenuptial agreement issue. The parties entered into the agreement here, and it is to be performed here. Both parties reside here, and Mrs. Tower is domiciled here. The real property that the agreement covers is located here. The few contacts that Texas has with the parties to the agreement do not give rise to any significant state interest that would warrant application of Texas law.

conflict: the District has a strong interest in applying its law, and Texas has no countervailing interest. The Court must apply District law.

### 3. Rights in the District Realty.

The District of Columbia Court of Appeals has repeatedly recognized that the jurisdiction in which real property is located has the strongest interest in adjudicating rights to the land. See, e.g., Anderson, 449 A.2d at 335 (applying Maryland law to determine marital property rights in Maryland realty); Williams v. Williams, 390 A.2d 4, 6 (D.C. App. 1978) (same); cf. Estrada v. Potomac Electric Power Co., 488 A.2d 1359, 1365 (D.C. App. 1985) (applying Maryland law of landowner's liability to property located in Maryland).

Texas, like the District, applies the law of the situs to determine marital rights in realty. "Texas follows the general rule that marital rights of spouses in real property are determined by the law of the place where the land is situated." Ismail v. Ismail, 702 S.W.2d 216, 221 (Tex. App.--Houston 1986, writ ref'd n.r.e.) (emphasis added); see Commissioner v. Skaggs, 122 F.2d 721, 723 (5th Cir. 1941), cert. denied, 315 U.S. 811 (1942). By its own choice-of-law rule, therefore, Texas disclaims any interest in out-of-state realty.

Mrs. Tower's real property lies entirely within the District. There is no conceivable Texas interest in applying its law to determine whether Mr. Tower has any interest in that property. Again the issue presents a false conflict, and District law controls.

### CONCLUSION

The Constitution and District of Columbia choice-of-law rules prohibit the application of Texas law to the issues in this case. Yet Mr. Tower's motion to amend his answer and file a

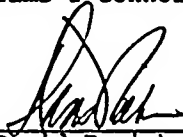
LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20004

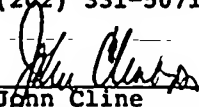
AREA CODE 202  
231-6000

counterclaim is predicated entirely on the applicability of Texas law. Because District law, and not Texas law, plainly controls every significant issue before this Court, Mr. Tower's motion is without merit and should be denied under Superior Court Domestic Relations Rule 15(a). See M&T Chemicals, Inc. v. International Business Machines Corp., 403 F. Supp. 1145, 1147 (S.D.N.Y. 1975), aff'd mem., 542 F.2d 1165 (2d Cir.), cert. dism'd, 429 U.S. 1030 (1976).

Respectfully submitted,

Williams & Connolly

By:   
David Povich  
Bar No. 10181  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

By:   
John Cline  
Bar No. 403824  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-2453

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 7<sup>th</sup> day of May, 1987, a copy of the foregoing was delivered by hand to Kenneth M. Lyons, Esquire, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.

  
David Povich

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-6000

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
FAMILY DIVISION

REQUEST FOR CONTINUANCE

<b>SECTION I. CASE DATA</b>		
<input type="checkbox"/> In the Matter of: <input checked="" type="checkbox"/> Domestic Relations:		Date: <u>MAY 7, 1987</u>
<input type="checkbox"/> District of Columbia:		Jacket Number: <u>D-1403-86</u>
Name(s) <u>Lilla Burt Cummings Tower,</u>	Plaintiff	Social File Number:
<u>John Goodwin Tower</u>	Defendant	
Child in Detention? <input checked="" type="checkbox"/> No (Home address) <input type="checkbox"/> Yes (Name of facility)		CASE TO BE CONSOLIDATED? (Enter Jacket Number(s))
Present Date Scheduled: <u>June 8, 1987</u>	Type of Hearing <u>Trial</u>	Number of times previously continued: <u>-0-</u>
<b>SECTION II. REQUEST</b>		
IT IS RESPECTFULLY REQUESTED THAT THE ABOVE ENTITLED CAUSE BE RESET BY CONSENT..		
This continuance is requested for the following reason(s): <u>The parties require additional time for discovery.</u>		
REQUESTED NEW HEARING DATE: <input checked="" type="checkbox"/> <u>July 6, 1987</u>		Assignment Commissioner's Approval: <u>Linda J. Cox</u>
Signature of Requestor: <u>[Signature]</u>	Requestor's affiliation or office: Dickstein, Shapiro & Morin 2101 L Street, N.W., Washington, D.C.	
Signature of opposition: <u>[Signature]</u>	Opposition's affiliation or office: Williams & Connolly 839 17th Street, N.W., Washington, D.C.	
<b>SECTION III. APPROVAL</b>		
Upon approval attorneys are hereby directed to notify their respective clients, other attorneys (if case is to be consolidated), and all parties involved in the continuance.		
REQUEST FOR CONTINUANCE APPROVED:		
Date: <u>5/7/87</u>	<input checked="" type="checkbox"/> <u>[Signature]</u> Signature of <u>Deputy Clerk</u>	

Reviewed  
by Bob

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

FILED  
JUL 6 PM '87  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

Lilla Burt Cummings Tower  
Plaintiff,  
v.  
John Goodwin Tower  
Defendant.

Civil Action No. 1403-86

REPLY TO PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR LEAVE TO  
FILE AMENDED ANSWER AND COUNTERCLAIM

On April 3, 1987, defendant John Goodwin Tower, by counsel, moved this Court, pursuant to Rules 13(e) and 15(a) of the Superior Court of the District of Columbia, for leave to file an amended answer and counterclaim in this matter. By agreement of counsel, plaintiff's time to respond to this motion was continued to May 6, 1987.

On May 7, 1987, plaintiff filed a document entitled "Plaintiff's Opposition to Defendant's Motion for Leave to File Amended Answer and Counterclaim." That document, rather than addressing the propriety of allowing defendant to amend his responsive pleading, goes to great length to argue the merits of whether Texas law applies to the dispute between the parties. Nowhere does plaintiff argue that defendant should not freely be granted leave to amend his answer, as requested, in the interest of justice.

We resist the temptation to respond to plaintiff's opposition with a detailed discussion as to why Texas law must be applied in this matter. Suffice to say, such a discussion has its own time and place and has nothing to do with the question of whether defendant should be granted leave to amend his answer. As the Court is undoubtedly familiar, because this jurisdiction favors the resolution of controversies on their merits, leave to amend pleadings is freely given. Gordon v. Raven Systems &

Research, App. D.C., 462 A.2d 10 (1983). Plaintiff has offered nothing to bring this case outside that rule.

CONCLUSION


In view of the foregoing standard, and the absence of any meaningful objection by plaintiff, defendant's motion for leave to file an amended answer and counterclaim should be granted.

Dated: May 11, 1987

Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

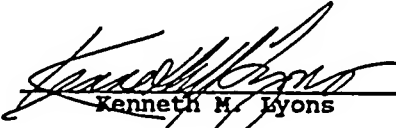
By:

  
Kenneth M. Lyons  
D.C. Bar No. 332841  
2101 L Street, N.W.  
Washington, D.C. 20037  
(202) 785-9700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 1987, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D.C. 20006.

  
Kenneth M. Lyons

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

LILLA BURT CUMMINGS TOWER,

Plaintiff,

v.

JOHN GOODWIN TOWER

Defendant.

Civil Action No. 1403-86

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

TO: John Goodwin Tower  
c/o Kenneth M. Lyons  
Dickstein, Shapiro & Morin  
2101 L Street, N.W.  
Washington, D.C. 20037  
Counsel for Defendant

FILED  
FAMILY DIVISION  
APR 23 10 39 AM '87

The following are served upon you pursuant to Rule 13 of the Superior Court of the District of Columbia. They are to be answered by you fully, in writing, under oath, within thirty (30) days of their receipt, unless by agreement or by court order such time is extended.

A. These interrogatories are continuing in character so as to require you to file supplemental answers at any time that you should obtain further or different information.

B. Where the name or identity of a person is requested, please state the full name, home address, business and position, business address, and home and business telephone numbers. Where the identity of a document is requested, please identify by date, description, author, from whom it was sent, to whom it was sent, and a general description as to its contents. State also the identity of the person who presently has custody of it.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

C. Unless otherwise indicated, these interrogatories refer to the period from January 1, 1980 to date.

D. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's agents, representatives, advisors and, unless privileged, his attorneys. When answer is made from knowledge of your agent, etc., state the name, address and title of the person supplying the information and making the affidavit, together with the source of his information.

E. The pronoun "you" refers to the party to whom these interrogatories are addressed and the person mentioned in clause (D).

F. "Document" means any writing or record of any type or description known to the Defendant, including, but not limited to, telephone message slips, telephone logs, telephone bills, agreements, memoranda, telegrams, telexes, cables, messages, notes, reports, forms, inter-office communications, interoffice communications, appointment books, appointment logs, desk calendars, diaries, ledgers, journals, logs, travel vouchers, lists, notebooks, computer print-outs, microfilm, microfiche, photographs, tape recordings, transcripts, affidavits, opinions, signed statements, summaries, notices, books, canceled checks, checks, check stubs, check ledgers, bank statements, cash receipts journal, articles, newspapers, charts, magazines, loan papers, notes receivable, ledgers, records, books of account, commercial paper, and all other documentary material including non-identical copies (whether different from the original because of any alteration, notes, comments or other material contained thereon or attached thereto or otherwise), and whether a draft or final version.

G. "Relating" means to make a statement about, refer to, discuss, describe, reflect, identify, deal with, consist of,

comprise, or in any way pertain in whole or in part, to the subject.

I. INTERROGATORIES

1. State your full name, your present residence(s), date of birth and social security number.

2. Please state each place where you have resided from January 1980, to date, and with respect to each, state the complete address by number, street, city, zip code, and if there was available to you a telephone at that address, the telephone number. State also the inclusive dates you resided at each and every residence, and the owner of said residence.

3. If you have been employed either by contract or otherwise at any time from January 1, 1980, to the present state the name, mailing address and telephone number of each employer, the date each employment was commenced and the date terminated, your job title, position, or, if under contract, the identification of same, the services you have performed or are to perform, the name, address and position of your immediate supervisor or agency of each position, and the gross and net money paid to you by each employer during the periods of employment, and any other benefits you may have received.

4. If you have received any income or money or thing of value from any source whatsoever which is not disclosed in your answer to Interrogatory 3 since January 1, 1980, identify the source, and answer the questions in Interrogatory 3, and, in addition state the amount received in each year, month or week. With respect to employment and sources of income, money, or thing of value identified in Interrogatories 3 and 4, state whether there are any payments or a thing of value due from this source at the present time or in the future, and if so, state what is

due, when it is due, and the name and address of the party from whom it is due.

5. Have you received any money from any source whatsoever which is not disclosed in your answer to Interrogatories 3 and 4 since January 1, 1980? If so, for each source, state the source of such income, the amount received in each year, month or week, and whether there is anything due from this source at the present time, and, if so, state what is due and when, and the name and address of the party from whom it is due.

6. If you have received any money or thing of value in connection or with respect to your campaigns for United States Senator from the State of Texas or for services rendered as consultant employed or appointed by the United States from January 1, 1980, to date, for each source, state the source, the amount or thing of value received in each year, month or week, and whether there are any payments due from this source at the present time or in the future, and if so, state the amount due and the name and address of the party from whom it is due.

7. With respect to Interrogatory 6 did you receive any funds for your campaigns entitled Tower Senate Club, Texans for Tower, or the like, or other similar campaign or slush funds which were required to be reported with the Federal Election Committee, and/or the Secretary of State in Austin, Texas, and if so, identify with specificity the name of each and every fund, the period it was in existence, the funds which were received for the years 1980 to date, the balances for each and every fund as of August 1983, or the date you announced your retirement from the Senate, and the balances each and every year thereafter for the dates you were required to report to any federal or state authority, the expenditures of those funds from January, 1983, to date; also state the amount of the funds, if any, returned to

contributors and if so, the amounts and the dates said funds were returned and to whom, and identify with specificity all records for each year in question which in any way relate to the receipt of the funds and their expenditure or their return during the period January, 1983 to date.

8. Identify all real or personal property in which you have an interest, describing the nature of any such interests, and list any and all documents that relate in any way to your interest or its value. Describe the property with particularity, give its value and the basis for the determination.

9. If at any time during the last five years you made or caused to be made any financial statement or resume of your financial worth or list of assets, state the purpose for which it was made; identify each person, institution, federal or state agency, company or group to which the statement or resume was provided; and identify the document with particularity.

10. Identify and describe with particularity each and every source from which you expect to or will receive income, money or thing of value in the future.

11. With respect to every source of income, money or thing of value described in response to Interrogatory 10, describe with particularity the income, money or thing of value which you expect to or will receive; state the amounts of income, money or value of things you expect to or will receive; and identify each and every document that relates to your expectation or entitlement to receive or derive such income or things of value from each such source.

12. Identify any agent or representative which you may have or any person who has booked or arranged for you to give a speech or lecture or to write a book, magazine or newspaper article, and with respect to each agent or representative, identify the contracts or arrangements entered into by you or

them for or on your behalf, and with respect to each give the date, the location, the nature of the services you are to render, the sums to be received by you, when they were to be received, and in what form.

13. List each person, company, or organization or governmental body, its address, telephone number, and the principal or agent with whom you or someone on your behalf has dealt with respect to any consultancies of any kind, and any business venture or activity in which you have engaged or have been asked to engage in now or in the future, and for each describe with particularity the income, money or thing of value which you have received, expect to receive or will or may receive; state the amounts of income, money or value of things which you have received with respect to each or will or may receive; for each describe the services which you have been asked to perform or will or may perform, and identify each and every document that relates thereto or contains information relating thereto.

14. Describe with particularity all retirement benefits, including Civil Service Retirement and Supplements thereto, IRA or KEOGH plans or the like, or any type of savings plan or retirement benefit plan in which you have an interest, and with respect to each state the value of such interest; identify the pension, firm, and/or other entity that manages, maintains, or holds such account; and identify each and every document that relates to the establishment, management, maintenance, and value of each such benefit, etc. during the period of your interest in it, the amounts you are currently receiving if any, the withdrawals if any you have made since January, 1983, to date, and with respect to each of said withdrawals the amounts and dates thereof.

15. List all life insurance policies issued in your

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-9000

name or for which you are named beneficiary. For each such policy, state the name and address of the insurer; provide the policy number and the face amount of each policy; the cash value for each year the policy is held; the amount of the yearly premium required for each; and the name and address of the beneficiary of each policy.

16. If you have made any withdrawals of any funds, including retirement funds, assets, bonds, or other things of value in excess of \$500.00 from any depository since January 1, 1983, state when and why each withdrawal was made, the amount of each withdrawal, and where the asset or property so withdrawn was placed, and how it was used.

17. Identify all charge accounts and credit cards that are in your name or which you have used since January 1, 1983, the number of each such account or credit card, the amount of the line of credit extended to you, and your current account balance, and identify all documents relating to these accounts or credit cards including, but not limited to bills, receipts and monthly statements.

18. What is the amount of cash you have on hand and in financial institutions as of the date of your answer to these Interrogatories?

19. Complete in its entirety the expenses and income form attached hereto as "Exhibit A," setting forth your income, and expenses, and provide a complete detailed listing of all assets and liabilities.

20. Are you the beneficiary of any estate or trust presently in existence, probate, or in the process of being administered? If so, state the name and relationship to you of the donor, grantor, testator, and/or trustee, administrator, or executor, and identify the instrument that creates the interest in you and the income, property or interest received or to be

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

received.

21. Do you have any reasonable expectation of receiving an inheritance? If so, describe with particularity the source, nature and amount of the inheritance and identify any documents relating to such inheritance.

22. Have you had, since January 1, 1983, and do you now have, any savings, checking, money market or other account or a safety deposit box in your name solely or jointly with another, with any bank or financial institution, company or firm. If so, state the address and name of the bank or financial institution, the type of account, the name(s) on the account, the persons(s) authorized to draw on the account, the date the account was opened, the date the account was closed, the account number, the balance of the account on April 1, June 30, September 30 and December 31 of each year you had the account, and the amount of the present balance, if any, or the amount of the last balance before the account was closed.

23. Is any person holding funds for you to which you are or will become entitled? If yes, state the name and address of each person holding such funds and the amount held by each, and the reason therefor.

24. Identify all property and assets of every nature and description which you sold, transferred, conveyed or otherwise disposed of from January 1, 1983, to the present, furnishing as to each item the value thereof as of the date of acquisition, the date of disposition, and the consideration received, and identify all documents relating thereto.

25. Identify each and every person, firm, company, corporation, government agency, or campaign or other fund which has paid any business or personal expense, or expenses of any kind for you or on your behalf for the period January 1, 1983, to date, and with respect to each identify the payor, the amount,

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 302  
331-9000

any document supporting the expense, and the person or persons who have copies of all documents or supporting documents relating thereto.

26. Identify with particularity the Witchita Pot, how it was acquired, from whom, for what sum or sums, the sources of the money used to purchase it, any payments made with respect thereto, each and every financial transaction of yours relating thereto, its value in in each of the years you had an interest therein, your present interest, any sums which you received, from whom, when, and the present status of this asset. In addition, identify any agreement or understanding reached between you and your Wife with respect to this asset and the current status thereof.

27. Identify with particularity the Blow-out Preventor, how it was acquired, from whom, for what sums or sums, the sources of the money used to purchase it, any payments made with respect thereto, each and every financial transaction of yours relating thereto, its value in each of the years you had an interest therein, your present interest, any sums which you received, from whom, and the present status of this asset. In addition, identify any agreement or understanding reached between you and your Wife with respect to this asset and the current status thereof.

28. Have you and your Wife at any time entered into a prenuptial agreement. If so state the date(s) the agreement was entered into; any date(s) thereafter it was affirmed; the terms of the agreement; whether there is any writing of any kind evidencing said agreement and if so, identify it and the location thereof and the person(s) who have custody thereof. State whether the agreement remains in effect, and if not, state with particularity the reason it is no longer in effect. If there was an agreement, identify those assets of your Wife which, under the

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D C 20008

AREA CODE 302  
331-8000

agreement, are her sole and separate property, and those assets which are your sole and separate property, and for each asset state the present value thereof and the basis for your valuation.

29. Please identify by name, address and telephone number the person or persons who presently have copies of any documents relating to your income and expenses both business and personal, and your assets and liabilities for each of the years 1980 to date.

30. Identify any current notes or financial obligations of yours and with respect to each describe them with particularity setting forth the principle amounts due, the terms of payments, the interest rates, and whether payments have been suspended, forgiven and, if so, when and in what amounts, all with respect to the period January 1, 1980, to date.

31. Please set forth with particularity whether you and your Wife are participants in the Federal Employee Health Benefit Program and whether you have elected joint and survivor annuity benefits which entitle the Wife to continue survivor benefits for life if she survives you, and to health benefits so long as the Husband is living. In addition, identify all documents relating to said Program and state whether the Wife remains the sole eligible survivor to receive survivor benefits upon your death and whether you have elected the maximum survivor benefits for her. State whether the benefits of this plan for the Wife have been reduced since January 1, 1980, and if so, at whose instruction and in what specific manner, and was it done so with the written consent of the Wife.

32. State whether you are now or have been entitled to Civil Service Annuity and Health Benefits under the Civil Service Retirement Benefit Plan and if so state the sums which you have received for each year you were entitled to or did receive the sums, for the period January 1, 1980 to date, whether any

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D C 20004

AREA CODE 202  
331-8000

withdrawals have been made and if so the amounts and dates thereof, whether the benefits received include sums for the State Department supplement both with respect to the retirement and survivors annuity, and whether any elections have been made or actions taken which in any way affect the maximum amount which the Wife may otherwise be entitled to receive under said Retirement Plan. Identify all documents relating thereto.

33. Identify the person or persons who have copies of those documents containing or in any manner relating to telephone toll charges made by you for business or personal reasons for the period January 1, 1983, to date either in the United States or abroad, including but not limited to telephone toll charges incurred for personal reasons for which you reimbursed any person, business or governmental entity.

34. List the hotels in which you have stayed for one or more nights either in this country or abroad for the period January 1, 1983, to date, the reason for the stay, the inclusive dates, the charges which were incurred including but not limited to restaurant, bar and telephone charges. Identify the women with whom you had dinner, drinks or entertained, or with whom you met and the women with whom you spent the night or any portion thereof. In addition, identify each and every occasion during the period January 1, 1983, to date where you were present with or in the company of Mrs. Estil (Dottie) Heiser (Heyser) either in this country and abroad, and on each occasion identify the location, the hotel, facility, guest home, or residence, the inclusive dates, time of day and/or night, the duration you were together, the precise location thereof, and the person(s) agency or business that paid the expenses during said period including those for travel, hotel, food, drink, and activities, and the amounts and dates thereof, and identify the supporting documents relating thereto.

35. State the reason with particularity for your trip to Geneva in May of 1986, and whether it was for business or pleasure. If for business, state the nature thereof, for whom it was conducted, the compensation received, the entity which paid the expenses, the amount of the expenses, whether you met with any women at your former residence in Geneva, and if so identify her, the reason for the meeting, and the circumstances thereof.

36. State the reason with particularity for your trip to London, England, in February of 1985, whether it was for business or pleasure if for business state the nature thereof, for whom it was conducted, the compensation received, the entity which paid the expenses, whether you met with any woman or women in London and if so identify her or them, the reason for the meeting, and the circumstances thereof.

37. List all telephone toll calls made by you from abroad during 1985 and 1986 to the United States collect, and identify the person called, the reason for the call, the telephone number, the date and duration of the call and the charges.

38. Identify any sums received by you in excess of \$5,000 during the period January 1, 1984, to date, and with respect to each identify the payor, the reason for the payment, the accounts to which the funds were deposited and the depository, and the expenditures which were made from said funds.

39. List the sums spent by you for the period January 1, 1983, to date for suits and shirts, and indicate from whom they were purchased, when they were purchased, the sums paid, the cost of each suit and shirt.

40. Identify the "media personality" in Dallas, Texas, whom you entertained, had dinner and drinks with, and with whom you spent evenings at any time during the period January 1, 1983, to date.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

41. Identify each and every occasion from January 1, 1985, to date when you met with Darla, a former member of your household staff in Geneva.

42. List any medical expenses which you have incurred for any surgical operations performed on you during the period January 1, 1985, to date, and identify the surgical procedures, describe the surgery performed and the purpose thereof, state when and where it occurred, the doctor who performed the surgery and the total cost thereof.

43. Describe in particularity and identify your relationship with the law firm of Dickstein, Shapiro & Morin, the services you provide them, the compensation or thing of value which they provide you, the date the relationship began, and when it is scheduled to terminate.

44. Identify each and every arrangement which you may have had with any individual, partnership, firm or corporation or state or federal agency in which you provided services in return for something other than the payment of income, but which is or will be of value, for example, services, expenses, advice, introductions, or the like, all for the period January 1, 1983, to date.

45. State the basis for your denial in paragraph 10 of your Answer that the parties are the owners of certain community property.

46. State with particularity the factual basis for your contention in your Motion for Leave to File Amended Answer and Counterclaim that the property rights and other rights of the parties are governed by the law of Texas, and state with particularity the defenses and grounds for relief available to you under the law of Texas which are not available to you under the law of the District of Columbia and further, the rights and grounds for relief available to the Plaintiff under the District

of Columbia law which are not available to the Plaintiff under Texas law.

47. Identify any witness you propose to call as an expert in these proceedings, and state the subject matter which he is to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each opinion.

48. List each and every witness you intend to call at trial. Identify them by name, address, employment, position, home and business telephone number, and set forth with particularity the matters about which they are to testify and if their testimony relates to or concerns a document, identify same or to a conversation or activity of the Wife set forth the substance of the conversation or the activity with which their testimony is concerned. If their testimony concerns the property of the Husband, his assets liabilities, income or expenses, or his business or conduct, identify with particularity the substance of his or her testimony, and the documents relating thereto.

49. If there is any written or recorded statement of your Wife or notes of any conversation between you and your Wife or between any other person and your Wife pertaining to this cause of action, and which you intend to introduce at trial, identify each such written or recorded statement and conversation of your Wife. In addition, identify all other conversations between you and your Wife or any other person and your Wife which relates to this cause of action and which you intend to introduce at trial.

50. Set forth all details of each trip taken by you for business, vacation or other purposes from January 1, 1980, to date and as to each identify your companion or companions, the total cost including expenses for food, recreation, lodging expenses, and state by whom said expenses were paid.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20004

AREA CODE 202  
331-6000

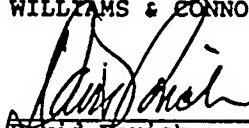
51. Set forth and itemize all monies spent by you directly or indirectly for the benefit of any female person to whom you are not related by blood or marriage, since January 1, 1980, to the present.

52. State whether you have had sexual relations with a woman other than you wife since your marriage to her, and if so, state the name and address of that person, and the date and location where they took place.

53. State the circumstances under which you and your wife separationed.

Respectfully submitted,


WILLIAMS & CONNOLLY

  
David Povich  
Bar No. 101081  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 1987, a copy of the foregoing was delivered by hand to Kenneth M. Lyons, Esquire, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.

  
David Povich

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-6000

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
FAMILY DIVISION  
FINANCIAL STATEMENT

PLAINTIFF'S  
EXHIBIT  
A

Jacket No. \_\_\_\_\_

Date \_\_\_\_\_

V.

NAME: _____	SOCIAL SECURITY NUMBER: _____	OCCUPATION: _____
NAME AND ADDRESS OF CURRENT EMPLOYER: _____ _____		I claim _____ exemptions for withholding tax purposes.

**INCOME INFORMATION\***

1. Monthly gross wages.....\$\_\_\_\_\_
2. Less Mandatory Monthly Deductions:
  - Federal Income Tax.....\$\_\_\_\_\_
  - State Income Tax.....\$\_\_\_\_\_
  - Retirement:
    - FICA.....\$\_\_\_\_\_
    - Social Security.....\$\_\_\_\_\_
  - Medical Insurance.....\$\_\_\_\_\_
  - Other.....\$\_\_\_\_\_
  - TOTAL.....\$\_\_\_\_\_**
3. Monthly Net Wages.....\$\_\_\_\_\_
 

(Subtract Line 2 from line 1)
4. Monthly income from all other sources (e.g., part-time or overtime wages, fees, rents, dividends, commissions, unemployment compensation, disability, social security, retirement, interest, bonuses, etc.).....\$\_\_\_\_\_
5. Less Other Mandatory Monthly Deductions:
  - Federal Income Tax.....\$\_\_\_\_\_
  - State Income Tax.....\$\_\_\_\_\_
  - Retirement:
    - FICA.....\$\_\_\_\_\_
    - Social Security.....\$\_\_\_\_\_
  - Medical Insurance.....\$\_\_\_\_\_
  - Other.....\$\_\_\_\_\_
  - TOTAL.....\$\_\_\_\_\_**
6. Monthly Net Income from all other sources.....\$\_\_\_\_\_
 

(Subtract Line 5 from Line 4)
7. Total Monthly Net Disposable Income.....\$\_\_\_\_\_
 

(Add Lines 3 and 6)
8. Total Monthly Gross Income.....\$\_\_\_\_\_
 

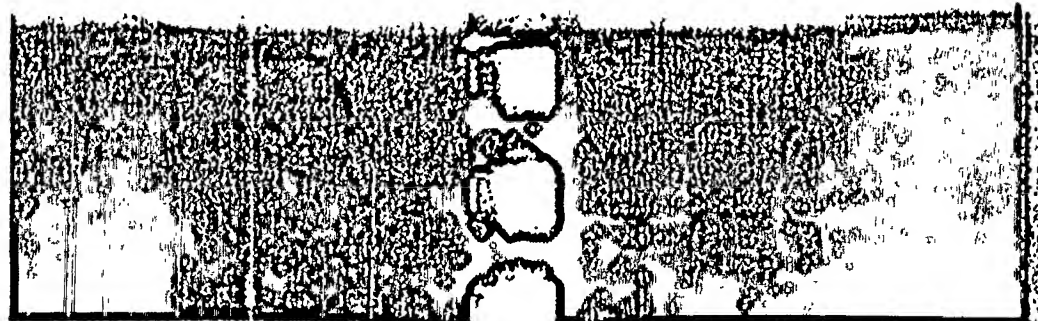
(Add Lines 1 and 4)

**SUMMARY**

9. Total Monthly Net Disposable Income.....\$\_\_\_\_\_
10. Less Total Monthly Expenses.....\$\_\_\_\_\_
11. Difference:.....\$\_\_\_\_\_

**AVERAGE MONTHLY EXPENSES**

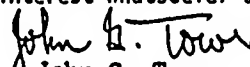
	Wife/Husband	Child(ren)
Housing, etc.		
Rent/Mortgages .....	\$_____	\$_____
Utilities .....	_____	_____
Taxes .....	_____	_____
Food		
Groceries/Household Supplies .....	_____	_____
Meals Out .....	_____	_____
Automobile		
Payment .....	_____	_____
Gas/Oil .....	_____	_____
Repairs .....	_____	_____
Insurance .....	_____	_____
Tags .....	_____	_____
Life Insurance.....	_____	_____
(List beneficiaries)		
Health Insurance (not listed as income deduction)	_____	_____
School		
Tuition .....	_____	_____
Supplies/Fees .....	_____	_____
Child Care Expenses		
To allow for employment/education .....	_____	_____
To allow for recreation .....	_____	_____
Lessons (e.g. music, dance, art) .....	_____	_____
Allowance .....	_____	_____
Clothing/Uniforms .....	_____	_____
Dry Cleaning/Laundry .....	_____	_____
Medical Expenses.....	_____	_____
(Unpaid by insurance).		
Charitable Contributions.....	_____	_____
Recreation .....	_____	_____
Vacations .....	_____	_____
Miscellaneous:		
Periodic Payments Required on Bills:		
<b>Total Monthly Expenses.....</b>	_____	_____



Number 3 Sched. A

APPENDIX A

Whatever interests my spouse may have are derived from her separate estate and are neither under my control nor within my knowledge. Prior to marriage, we entered into an agreement that her property prior to marriage and all income therefrom would be held by her as her sole and separate estate, and that she would manage it and have exclusive control, use, and benefit, if any, as well as exclusive burden and liability, if any, and that it will descend to her heirs, devisees, or legatees, and I will disclaim any interest whatsoever under the laws of descent and distribution.

  
John G. Tower

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

FILED  
MAR 13 2 38 PM '86  
CLERK OF THE  
DISTRICT OF COLUMBIA  
SUPERIOR COURT

LILLA BURT CUMMINGS TOWER,

Plaintiff,

v.

JOHN GOODWIN TOWER

Defendant.

Civil Action No. 1403-86

CONSENT TO MOTION TO DESIGNATE DOMESTIC RELATIONS- I

Plaintiff Lilla Burt Cummings Tower, by counsel,  
consents to Defendant's motion for an order designating a single  
judge to preside over all matters connected with this proceeding.

Plaintiff agrees that extensive discovery will be  
necessary for the parties to provide the Court the necessary  
information to decide all matters relating to the property of the  
parties and their respective sources of income and financial  
needs.

For this reason, and because these proceedings will  
become protracted if not amicably resolved, Plaintiff consents to  
Defendant's motion to designate a single judge to preside over  
this action.

Respectfully submitted,

WILLIAMS & CONNOLLY

By: 

David Povich  
D.C. Bar No. 010181  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-9000

CERTIFICATE OF SERVICE

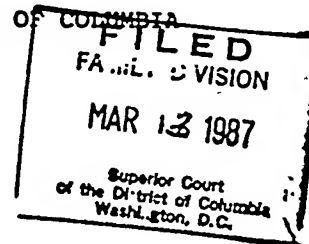
I hereby certify that on this 16<sup>th</sup> day of April, 1987,  
a copy of the foregoing was delivered by hand to Kenneth M.  
Lyons, Esquire, Dickstein, Shapiro & Morin, 2101 L Street, N.W.,  
Washington, D.C. 20037.

  
David Povich

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch



Lilla Burt Cummings Tower

Plaintiff,

v.

John Goodwin Tower

Defendant.

Civil Action No.1403-86

ENTERED ON DOCKET

MAR 19 1987

ORDER

Upon consideration of plaintiffs' motion to enlarge time for discovery, it appearing that defendant has no objection and that such relief is appropriate, it is, this 5<sup>th</sup> day of March, 1987, hereby

ORDERED, that the parties shall have to and including May 23, 1987, within which to complete discovery.

*Robert A. Taylor*  
Judge

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D.C. 20004  
AREA CODE 202  
331-0000

RECEIVED  
IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
JAN 23 1987  
Family Division  
Domestic Relations Branch

FAMILY DIVISION  
JAN 27 1987  
CLERK OF THE  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

Lilla Burt Cummings Tower

Plaintiff,

v.

John Goodwin Tower

Defendant.

Civil Action No. 1403-86

**#9 MOTION TO ENLARGE TIME TO CONDUCT DISCOVERY**

Plaintiff Lilla Burt Cummings Tower, by her attorney, David Povich, moves pursuant to Rule 26(e) of the Superior Court of the District of Columbia for an order enlarging the time for discovery. As grounds therefore plaintiff's counsel states that he and counsel for the defendant have been engaged in negotiations seeking an amicable settlement of this matter by agreement between the parties. In the event this is unsuccessful, the parties will engage in discovery through interrogatories, depositions and the production of documents relating to the unresolved issues. It is anticipated that this discovery would be completed within 120 days from this date, or by May 23, 1987.

Counsel for plaintiff has been authorized by Charles Morin, counsel for defendant to indicate to the Court that the defendant has no objection to this motion.

**POINTS AND AUTHORITIES**

Superior Court Civil Rule 26(e).

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20004

AREA CODE 202  
551-0000

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

LILLA BURT CUMMINGS TOWER,  
20 Kalorama Circle Plaintiff,  
Wash, D.C. 20008

v.

JOHN GOODWIN TOWER,  
3525 Turtle Creek Blvd.  
Dallas, Texas 75219 Defendant.

Civil Action No. 1403-86

FILED  
FAM DIVISION  
AUG 28 12 14 PM '86

ANSWER OF JOHN GOODWIN TOWER

Defendant John Goodwin Tower answers plaintiff's  
Complaint as follows:

1. Defendant neither admits nor denies the allegations contained in paragraph 1 of the Complaint since that paragraph states a legal conclusion.
2. Defendant admits the allegations contained in paragraph 2 of the Complaint.
3. Defendant admits that he is a resident of Dallas, Texas and denies each and every other allegation contained in paragraph 3 of the Complaint.
4. Defendant admits the allegations contained in paragraph 4 of the Complaint.
5. Defendant admits the allegations contained in paragraph 5 of the Complaint.
6. Defendant admits the allegations contained in paragraph 6 of the Complaint.
7. Defendant admits the allegations contained in paragraph 7 of the Complaint.

8. Defendant admits that he is self-employed but denies that he is able to contribute to the support and maintenance of plaintiff. Defendant denies that plaintiff is unemployed and, upon information and belief, denies that plaintiff is in need of payments from defendant for her support.

9. Defendant admits that plaintiff has an ownership interest in certain real property in the District of Columbia, located at 20 Kalorama Circle, N.W., but denies that said real property is the sole and separate property of plaintiff. Defendant admits that plaintiff is the owner of other real property in the District of Columbia which is her sole and separate property.

10. Defendant denies that the parties are the owners of certain community property but admits the remaining allegations contained in paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in paragraph 11 of the Complaint.

WHEREFORE, defendant prays:

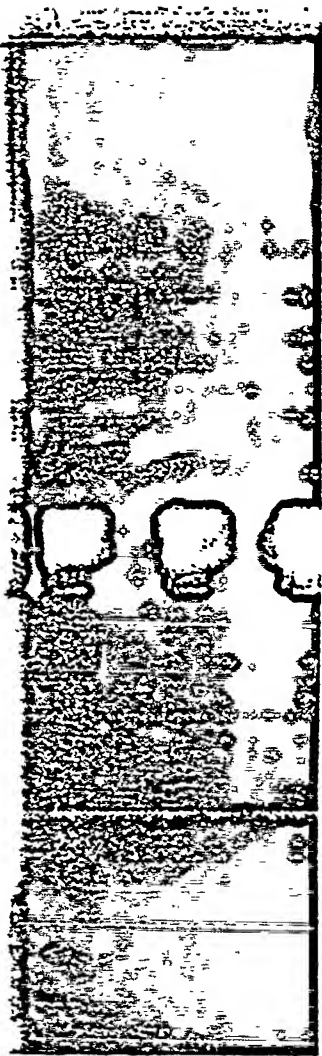
1. That he be granted an absolute divorce from plaintiff on the ground of voluntary separation from plaintiff, without cohabitation, for six months;

2. that plaintiff be denied any claim for support and maintenance;

3. that the Court distribute all property accumulated during the marriage, other than by individual gift, bequest, devise or descent, in a manner that is equitable, just and reasonable;

4. that defendant be awarded his attorney fees and that plaintiff bear the costs of this action; and

5. for such other and further relief as the Court may deem just and proper.

  
John Goodwin Tower  
John Goodwin Tower

Subscribed and sworn to before me this 27<sup>th</sup> day of August, 1986, at Washington, DC.

Mary E. Benton  
Notary Public

My Commission expires: My Commission Expires November 14, 1987

DICKSTEIN, SHAPIRO & MORIN

By Seymour Glazer  
Seymour Glazer  
D. C. Bar Number 40188  
2101 L Street, N.W.  
Washington, D. C. 20037  
(202) 785-9700

Counsel for Defendant

CERTIFICATE OF SERVICE

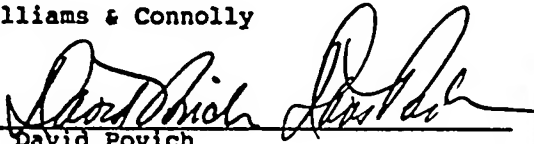
I hereby certify that on this 28<sup>th</sup> day of August, 1986, a copy of the foregoing was mailed, first class, postage prepaid, to David Povich, Esquire, Williams & Connolly, 839 17th Street, N.W., Washington, D. C. 20006.

Kenneth E. Lyons  
Kenneth E. Lyons

Respectfully submitted,

Williams & Connolly

By

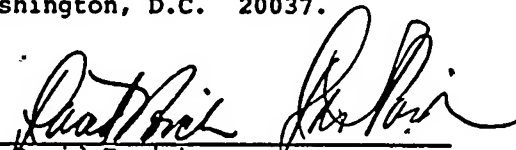
  
David Povich  
No. 10181  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

Date: January 23, 1987

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 1987, copies of the foregoing motion and order were mailed, first class, postage prepaid, to Charles Morin, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037.

  
David Povich

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-0000

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

FAMILY DIVISION

RECEIVED  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA

2 16 PM '87

Jacket No.: 1403-86

Date: 1/30/87

Social File No.: \_\_\_\_\_

Towce  
(Plaintiff) vs. Towce  
(Defendant or Respondent)

The Clerk of said Court will please note: that there is no

opposition to Motion for Contempt of Court  
to Conduct Discovery being pending.

Attorney's Name: (Please Print)

D. Povich

☒ Plaintiff  
☐ Government

Attorney's Name: (Please Print)

CHARLES MORIN

☐ Defendant  
☐ Respondent

Address:

Hill Ridge Dr 20086

Address:

2101 L St. NW DC 20027

Attorney's Signature:

[Signature]

Attorney's Signature:

Charles Morin

Registration No.

10181

Telephone No.

31-5071

Registration No.

85-9700

Telephone No.

85-9700

845.10

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Family Division  
Domestic Relations Branch

Summons and copy issued

Lilla Burt Cummings Tower  
20 Kalorama Circle, N.W.  
Washington, D.C.,

Plaintiff,

v.

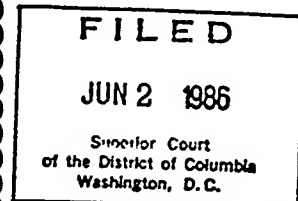
John Goodwin Tower  
3525 Turtle Creek Boulevard  
Apartment 21B  
Dallas, Texas,

Serve Washington Address:  
2101 L Street, N.W.  
Tenth Floor  
Washington, D.C.,

Defendant.

DC1403-86

Civil Action No.



FILED  
FAM. DIVISION  
MAY 31 9 31 AM '86

COMPLAINT FOR ABSOLUTE DIVORCE  
(Separation - Six Months)

005001D  
COURT FEES  
CAN 50 45.00  
D-143086H  
TOTAL 45.00  
CHECK 45.00  
780111H  
CHANGE 0.00  
1 ITM-CT  
009651B004 09:38

1. Jurisdiction of this action is based on D.C. Code § 11-1101(1) (1981).
2. Plaintiff, Lilla Burt Cummings Tower, is an adult citizen of the United States and has been a bona fide resident of the District of Columbia for more than six months next preceding the commencement of this action.
3. Defendant, John Tower, is an adult citizen of the United States, and resides in Dallas, Texas, and Washington, D.C.
4. The parties were lawfully married to each other in Dallas, Texas, on May 29, 1977.
5. No children have been born of said marriage.
6. The parties have voluntarily lived separate and apart since on or about November 11, 1985, a period of more than six months next preceding the commencement of this action.

LAW OFFICES  
WILLIAMS & CONNOLLY  
HILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

7. During the period of the aforesaid separation, plaintiff actually resided at 20 Kalorama Circle, N.W., Washington, D.C.

8. Defendant is self-employed and is able to contribute to the support and maintenance of plaintiff. Plaintiff is unemployed and is in need of payments from defendant for her support.

9. Plaintiff is the owner of certain real property in the District of Columbia, located at 20 Kalorama Circle, N.W., Washington, D.C., as well as other real property in the District of Columbia, all of which is her sole and separate property.

10. During the marriage defendant acquired, other than by gift, bequest, devise or descent, certain business and other marital property in his own name, and the parties are the owners of certain community property.

11. Plaintiff separately owns certain items of personal property, and defendant separately owns certain items of personal property.

WHEREFORE, plaintiff prays:

1. That she be granted an absolute divorce from defendant on the ground of voluntary separation from defendant without cohabitation, for six months.

2. That defendant be required to pay to plaintiff reasonable sums for her support and maintenance.

3. That the court declare plaintiff to be the sole owner of the real property located at 20 Kalorama Circle, N.W., Washington, D.C., and the other real property in the District of Columbia which is her sole and separate property.

4. That defendant's business and other marital property including the community property of the parties be equitably divided between the parties, pursuant to D.C. Code § 16-9101(b).

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
331-8000

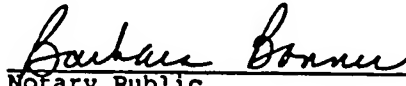
5. That each party retain ownership of certain items of personal property which he or she owns separately.

6. That plaintiff be awarded counsel fees and other costs of this action.

7. For such other and further relief as the nature of the case may require, and as the court may deem just and proper.

  
Lilla Burt Cummings Tower

Subscribed and sworn to before me this 30<sup>th</sup> day  
of May, 1986.

  
Notary Public

My commission expires: 2/29/88

WILLIAMS & CONNOLLY

By 

David Povich # 10181  
839 17th Street, N.W.  
Washington, D.C. 20006  
(202) 331-5071

Attorney for Plaintiff

LAW OFFICES  
WILLIAMS & CONNOLLY  
MILL BUILDING  
WASHINGTON, D.C. 20006

AREA CODE 202  
231-6000